

SECOND REGULAR SESSION

# HOUSE BILL NO. 2050

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHARNHORST (Sponsor), TILLEY, JONES (89),  
FUNDERBURK AND DIECKHAUS (Co-sponsors).

5495L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 162.083, 162.591, 168.191, 168.201, and 168.211, RSMo, and to enact in lieu thereof seven new sections relating to school superintendents.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 162.083, 162.591, 168.191, 168.201, and 168.211, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 162.083,  
3 162.102, 162.103, 162.104, 162.591, 168.201, and 168.211, to read as follows:

**162.102. 1. Beginning July 1, 2013, no school district shall retain the authority to**  
2 **hire or contract with a superintendent of schools, except as provided in sections 162.102**  
3 **to 162.104, and sections 162.083 and 162.1100.**

4 **2. The office of superintendent of schools shall become an elective office as of the**  
5 **opening date of the candidate filing period for school board elections scheduled for**  
6 **calendar year 2013. Any person who holds a valid contract as superintendent or who is**  
7 **appointed as an interim superintendent as of the opening date of the candidate filing**  
8 **period for school board elections scheduled for calendar year 2013 shall, unless elected to**  
9 **the office of the superintendent as provided in sections 162.102 to 162.104, forfeit the office**  
10 **as of noon on July 1, 2013.**

11 **3. In the event that no person files to become a candidate for superintendent of**  
12 **schools, a majority of the members of the board of education may appoint an interim**  
13 **superintendent who shall serve until July first after the next available election cycle that**  
14 **produces a candidate for superintendent.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

162.103. 1. A superintendent of schools elected under sections 162.102 to 162.104 shall have the following qualifications:

- (1) Be a resident of the state at the time of filing for election;
- (2) Hold a valid Missouri administrator's certificate; and
- (3) Have five years of school administrative experience.

2. A superintendent elected under sections 162.102 to 162.104 shall take office at noon on July first and shall serve a term of three years or until his or her successor takes office.

3. Any vacancy occurring in the office of superintendent shall be filled by a person appointed by a majority of the members of the board of education. The person appointed shall hold office until the next municipal election, when a superintendent shall be elected for the unexpired term.

162.104. The board of education of the district shall set the salary of the superintendent of schools on the following basis:

(1) In a school district that has had an average daily attendance of three hundred fifty or less for three of the last four school years, the salary for the superintendent shall not exceed one hundred ten percent of the average salary of the district's certificated staff; or

(2) In a school district that has had an average daily attendance of more than three hundred fifty for three of the last four school years, the salary for the superintendent shall not be less than sixty percent and shall not exceed one hundred twenty percent of the average salary of the district's certificated staff.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

14           **4. Notwithstanding any other provision of law,** if the state board of education appoints  
15 a successor member to replace the chair of the special administrative board, the serving members  
16 of the special administrative board shall be authorized to appoint a superintendent of schools and  
17 contract for his or her services.

18           5. On a date set by the state board of education, any district operating under the  
19 governance of a special administrative board shall return to local governance, and continue  
20 operation as a school district as otherwise authorized by law.

          162.591. 1. The board shall organize by electing a president, vice president, and  
2 secretary from its members. [The board of education, as soon as practicable after its  
3 organization, shall appoint a superintendent of schools.]

4           2. On an annual basis, the board of education shall reorganize by electing a president,  
5 vice president, and secretary from its members.

6           3. If [the board determines, by vote of a majority of its members, that the superintendent  
7 of schools is unable to perform his duties as required by section 168.211 or if] the office of the  
8 superintendent is vacant, the board shall appoint an acting superintendent to serve during the  
9 period of the [disability of the superintendent or the] vacancy in the office thereof.

          168.201. The board of education in all districts except metropolitan districts may employ  
2 [and contract with a superintendent for a term not to exceed three years from the time of making  
3 the contract, and may employ] such [other] servants and agents as it deems necessary, and  
4 prescribe their powers, duties, compensation and term of office or employment which shall not  
5 exceed three years. It shall provide and keep a corporate seal.

          168.211. 1. In metropolitan districts the superintendent of schools [shall be appointed  
2 by the board of education for a term of one to five years, during which term his compensation  
3 shall not be reduced. The superintendent of schools] may appoint, with the approval of the  
4 board, a treasurer, a commissioner of school buildings and he shall serve at the pleasure of the  
5 superintendent of schools and as many associate and assistant superintendents as he deems  
6 necessary, whose compensation shall be fixed by the board. The superintendent of schools shall  
7 give bond in the sum that the board requires but not less than fifty thousand dollars. No  
8 employee or agent of the board shall be a member of the board.

9           2. The superintendent of schools shall have general supervision, subject to policies  
10 established by the board, of the school system, including its various departments and physical  
11 properties, courses of instruction, discipline and conduct of the schools, textbooks and studies.  
12 All appointments, promotions and transfers of teachers and all other employees, and introduction  
13 and changes of textbooks and apparatus, shall be made by the superintendent with the approval  
14 of the board. All appointments and promotions of teachers and all other employees shall be  
15 made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment,

16 by examination, and in cases of promotion, by length and character of service. Examinations for  
17 appointment shall be conducted by the superintendent under regulations to be made by the board.  
18 He shall make such reports to the board that it directs or the rules provide.

19 3. The superintendent of schools shall have general supervision, subject to policies  
20 established by the board, of all school buildings, apparatus, equipment and school grounds and  
21 of their construction, installation, operation, repair, care and maintenance; the purchasing of all  
22 supplies and equipment; the operation of the school lunchrooms; the administration of  
23 examinations for the appointment and promotion of all employees of the school system; and the  
24 preparation and administration of the annual budget for the school system. Subject to the  
25 approval of the board of education as to number and salaries, the superintendent may appoint as  
26 many employees as are necessary for the proper performance of his duties.

27 4. [The board may grant a leave of absence to the superintendent of schools, and may  
28 remove him from office by vote of a majority of its members.

29 5.] Should the superintendent hire a commissioner of school buildings, said person shall  
30 be a person qualified by reason of education, experience and general familiarity with buildings  
31 and personnel to assume the following responsibilities and duties. Subject to the control of the  
32 superintendent of schools, he shall exercise supervision over all school buildings, machinery,  
33 heating systems, equipment, school grounds and other buildings and premises of the board of  
34 education and the construction, installation, operation, repair, care and maintenance related  
35 thereto and the personnel connected therewith; the purchasing of building supplies and  
36 equipment and such other duties as may be assigned to him by board rules or regulations.

2 [168.191. In all counties of the first class except counties of the first class  
3 not having a charter form of government, any board of education, other than  
4 boards in urban districts, in charge of a public school system maintaining a  
5 classified high school, previously approved by the state board of education, and  
6 employing a superintendent devoting his full time to supervisory and  
7 administrative work, may employ and enter into contract with a superintendent  
8 of schools for the school district for a period of not to exceed three years. This  
9 law shall not invalidate or repeal any other law of this state relating to the  
employment of teachers, principals or superintendents of public schools.]

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